

***REMARKS***

Reconsideration of this Application is respectfully requested. Upon entry of the foregoing amendments, claims 1-10, 14-16 and 32-36 are pending in the application, with claim 1 being the independent claim. Claims 11-13 and 17-31 have been canceled without prejudice or disclaimer. Support for the subject matter of the amended and new claims is contained in the application as originally filed. Because the foregoing changes introduce no new matter, their entry is respectfully requested.

Based on the above Amendment and the following Remarks, Applicants respectfully request that the Examiner reconsider all outstanding objections and rejections and that they be withdrawn.

***Claim Interpretation***

Applicant respectfully submits that the Examiner's concerns regarding claims 3 and 4 are overcome as these claims have been amended to positively recite features of the system. In addition, and as suggested by the Examiner, claim 4 and other dependent claims have been amended to be consistent with the "one or more" language of claim 1.

***Rejections under 35 U.S.C. § 102 and 103******Claims 1-10 and 14-16***

The Examiner has rejected all pending claims under 35 U.S.C. § 102 and 103 as being anticipated by, or unpatentable over U.S. Patent No. 4,444,062 to Bennett et al. ("Bennett") alone or, in the case of claim 2, in combination with Powers ("Powers"), U.S. Patent No. 6,869,571 to Ingenhoven et al. ("Ingenhoven"), or U.S. Patent No. 7,105,132 to Shumate et al. ("Shumate").

Bennett, Powers, Ingenhoven, and Shumate, taken individually or combined lack the multichannel pipette system of the present invention including a static seal between the flexible

membrane and the tip arrays formed with *a sealing agent selected from the group consisting of grease, oil, silicon grease, or silicon oil*, as is called for by independent claim 1.

Bennett does not disclose such a feature. Instead and as noted by the Examiner, Bennett discloses a liquid transfer device including an elastic membrane 68' is secured to an upper surface of barrel member 52' by heat sealing. *See* Office Action, page 6, first whole paragraph; Bennett, column 5, lines 21-22. The Examiner has taken the position that Bennett's membrane could be secured by other well-known suitable means such as glue, and other adhesives and bonding agents. *See* Office Action, page 3, third whole paragraph. Applicants agree with the Examiner insofar that Bennett teaches that elastic membrane 68' is permanently adhered to barrel member. One would appreciate that heat sealing is generally a permanent or single-use means of adhesion. In particular, items that are heat sealed together may not and are not repeatedly secured to and released from one another. Accordingly, and assuming *arguendo* that Bennett teaches a sealing agent, Bennett teaches away from the present invention because Bennett discloses the use of a permanent sealing agent, namely, heat sealing.

Powers, Ingenhoven, and Shumate all fail to account for such deficiencies of Bennett, nor does the Examiner rely on these references to do so. Instead, the Examiner merely relies on these references to disclose automated devices.

In contrast, the sealing agent of the present invention is a discrete substance that is used to seal, namely grease, lubricant or oil (*see* published application, paragraphs 0045 0075), silicon fluid or silicon oil (*see* published application, paragraphs 0040 and 0048). As such, Bennett teaches away from the present invention as conventional "heat sealing" merely fuses two components together.

For at least these reasons, Applicants respectfully submit that Bennett does not anticipate or render obvious independent claim 1. Applicant submits that claims 2-10 and 14-16, which depend from claim 1, are allowable over the cited art for at least the same reasons noted above.

***Other Matters***

Applicants respectfully submit that new claims 32-36 are allowable over the cited art of record. New independent claim 36 calls for a multichannel pipette system including:

- a pipettor having at least one body and two or more plungers;
- one or more removable pipette tip arrays, wherein the removable pipette tip arrays mate to the at least one body of the pipettor, and wherein each tip array has more than one tip;
- a sealing element including *a removable frame having an open regions and a flexible membrane attached to the frame* and positioned between the tip arrays and the plungers, the membrane forming a static seal with the tip arrays, wherein the flexible membrane is connected to the one or more removable pipette tip arrays by one or more clamps;
- wherein the static seal between the flexible membrane and the tip arrays is formed in part with a sealing agent.

The art of record, including Bennett, Powers, Ingenhoven, and Shumate patents, taken individually or combined, fails to disclose or suggest such a removable frame. In fact, Bennett teaches away from such configuration as Bennett discloses (i) heat sealing an elastic membrane 68' directly to barrel member 52' or (ii) the use of O-rings. *See* Office Action, page 6, first whole paragraph; Bennett, column 5, lines 21-22.

For at least these reasons, Applicants submit that independent claim 32, and claims 33-36, dependant thereon, are allowable over the cited art of record.

***CONCLUSION***

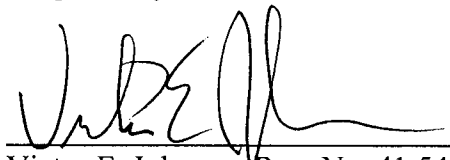
All of the stated grounds of objection and rejection have been properly traversed, accommodated, or rendered moot. Applicants therefore respectfully request that the Examiner reconsider all presently outstanding objections and rejections and that they be withdrawn. Applicants believe that a full and complete reply has been made to the outstanding Office Action and, as such, the present application is in condition for allowance. If the Examiner believes, for any reason, that personal communication will expedite prosecution of this application, the Examiner is invited to telephone the undersigned at the number provided below.

The Commissioner is hereby authorized to charge any underpayment of fees associated with this communication, including any necessary fees for extension of time or additional claims, and/or credit any overpayment to Deposit Account No. 50-0310.

Prompt and favorable consideration of this Amendment and Response is respectfully requested.

Respectfully submitted,

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